

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COUNTY OF NEWPORT

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 12th day of January 2009 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Donald Bollin-President	Cecil E. Leonard
	Joanne M. Arruda-Vice President	Jay J. Lambert
	Hannibal F. Costa	Edward A. Roderick
	Louise Durfee	

Town Administrator, James C. Goncalo
Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin read the consent agenda.

Councilor Leonard requested removal of item A-3j for discussion.

Councilor Leonard motioned to approve the remaining items on the Consent Agenda. Seconded by Councilor Roderick motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings.

- a. Approval of Minutes from December 8th, 2008 Regular Council Meeting
- b. Approval of Minutes from October 27th, 2008 Regular Council Meeting
(Councilors Lambert, Leonard and Roderick Abstained – Prior to Election)

A-2-Receipt of Minutes from Various Board and Commissions:

- | | |
|-------------------------------|--------------------------|
| a. Conservation Commission | e. Zoning Board (2) |
| b. Library Board of Trustees | f. Arts Commission |
| c. Planning Board of Appeals | g. Open Space Commission |
| d. Waste Water Management (2) | h. Planning Board (2) |

A-3-Correspondence

- a. Received From Town Treasurer Philip DiMattia Regarding Swearing In
- b. Received From Interlocal Trust Annual Dinner Meeting January 22, 2009
- c. Received From City of Warwick Resolution Relative to Pilgrim High School
- d. Received From Weavers Cove Regarding September and October Reports
- e. Joint Petition Verizon N.E. and Narragansett Electric Co. Proposed Pole, Response From S. Berlucchi, Director DPW
- f. Received From Senator Louis P. DiPalma Regarding Possible Meeting
- g. Received From Tiverton Budget Committee Regarding FY 09 Reduction in State Aid – Previously Distributed
- h. Received From James Amarantes Regarding Response to Open Meeting Complaint Against Council
- i. Received From Interlocal Trust Regarding Seminar on January 31, 2009
- k. Request by Sandywoods Farm to Advertise for Public Hearing on Stop Sign

Received From RIDOT Regarding Economic Stimulus Package Plan

Councilor Leonard removed this item from the Consent Agenda for further discussion. Wanted to know if Administrator Goncalo had received any input from Dept. Heads. Councilor Durfee suggested discussing later in the meeting as this item was also under new business.

Councilor Leonard motioned to accept the letter from RIDOT, seconded by Councilor Durfee, motion passed unanimously.

PUBLIC HEARINGS- ADVERTISED

Attorney Stephen Haire Representing Joseph Bossom and Church Community Housing Corporation, Sandywoods Farm for Partial /Street Abandonment of five (5) Certain Areas of Kennedy Drive, Presidential Drive, Eisenhower Drive and Cornell Road Pursuant to RIGL 24-6-2

Councilor Durfee recused herself from this matter and left the Council table.

Council President Bollin opened the Public Hearing for comments. Attorney Steve Haire representing Joseph Bossom and Church Community had filed permits before the Planning Board and received prior approvals. This mixed-use project had large portions for open space. The areas of the streets to be abandoned were not being developed. Portions of Kennedy, Presidential, Eisenhower and Cornell at widths of over 100 feet requested widths down to 78 feet. Cornell paved almost down to Kennedy, will be paved down to the new section. All of the land involved owned by the only abutter Joseph Bossom, the house lots will be abandoned, to be part agricultural and passive recreation areas. Several residents spoke on the matter, asked who owned Cornell Road. Town Solicitor Andy Teitz believed the Town owned the road but was never accepted. The Town has significant interest.

DPW Director Berlucchi noted Cornell Road is plowed by the DPW; the cul-de-sac off Cornell Road will serve as turnaround for them. Residents questioned why the Town was giving up and not selling the road. According to Town Planner, Christopher Spencer, amount of land beyond not a buildable lot, the Planning Board has asked for a second means of access. Will be maintained by the DPW. Council President Bollin noted the only issue before the Council is Partial Street Abandonment, anything else is not in our purview. Residents who have other concerns need to go before the Planning Board.

Councilor Costa motioned to abandon portions of Kennedy Drive, Presidential Drive, Eisenhower Drive and Cornell Road, as shown on the attached map, subject to final approval by the Planning Board on the entire project. Seconded by Councilor Arruda motion passed unanimously.

Councilor Durfee returned to the Council table at this time.

The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:

BOARD OF LICENSING COMMISSIONERS -NON ADVERTISED

1.Mr. Andres Lopez, Newburg Enterprise, LLC - Request Petroleum storage License for Gas Station Located at 1837 Main Road- Subject to Meeting All Legal Requirements

Councilor Leonard motioned to approve, subject to meeting all legal requirements, a Petroleum Storage License for a gas station located at 1837 Main Road to Mr. Andres Lopez, Newburg Enterprise, LLC. Seconded by Councilor Roderick, motion passed unanimously.

2.Ferrell Gas, Inc., 896 Fish Road – Request Approval of Annual Renewal Petroleum Storage License – Subject to Meeting All Legal Requirements – Late Filing

Councilor Arruda motioned to approve, subject to meeting all legal requirements, the annual renewal-late filing of a Petroleum Storage License to Ferrell Gas, Inc. 896 Fish Road. Seconded by Councilor Leonard motion passed unanimously.

Councilor Roderick recused himself at this time and left the Council table.

3.Countryview Estates, LLC – Continued From December 8th Meeting – Annual Renewal of Manufactured Home Elderly Community License

a. Planning Board Response Dated January 6, 2009

b. DPW Director Email Dated January 7, 2009

Councilor Costa wanted to know if the sewer pump station emergency generators were working. DPW Director Steve Berlucchi noted the Bluebird Court generator was up and running, the Cardinal Court generator was installed, waiting for propane delivery and then testing. Director Berlucchi recommended approval of the license.

Councilor Arruda motioned to approve the annual renewal of a Manufactured Home Elderly Community License to Countryview Estates, LLC, subject to meeting all legal requirements. Seconded by Councilor Leonard motion passed unanimously.

Councilor Roderick returned to the Council table at this time.

4.DPW Director, S. Berlucchi – Request Petroleum Storage License for Department of Public Works, 50 Industrial Way – Subject to Meeting All Legal Requirements

Director Berlucchi noted the Hazards Testing was done, DPW received a passing score.

Councilor Costa motioned to approve, subject to meeting all legal requirements, a Petroleum Storage License for the Department of Public Works, 50 Industrial Way. Seconded by Councilor Arruda motion passed unanimously.

Councilor Lambert noted the time and effort required by the Clerk's Office for the licenses, thought they could be issued for more than one year, maybe 3-5 years instead. Solicitor Teitz replied the terms are set by the state at one year, are required, useful in case there is a problem.

APPOINTMENTS & RESIGNATIONS

Interviews were conducted for:

Harbor Master- David E. Vannier, 148 East DeMello Drive

Question arose if Mr. Vannier would have time to be Harbor Master because of his current three jobs. Mr. Vannier, if appointed would give up two of the jobs.

Councilor Costa recused himself and left the Council table at this time.

Juvenile Hearing Board- Adam J. Cox, 134 Field Stone Lane

Candidates were asked why they wished to be appointed and what they would bring to the position. Mr. Cox, an author and child psychologist was interested in the Town developing intervention programs. If conflicts arose would recuse himself.

Councilor Costa returned to the Council table.

Recreation Commission- Chris Roemlein, 73 High Hill Road, Joshua A. Mello, 78 Fir Avenue

Mr. Mello always interested in Town affairs wanted to maintain and develop Bulgarmarsh Park Mr. Roemlein had been involved with the design of the skate board park, felt the coastal areas were gems, Grinnell's Beach, a bit rundown, needed revitalization as well as some of the other recreation areas.

Councilor Costa recused himself and left the Council Table.

Juvenile Hearing Board -Richard Bush, 110 Fir Avenue Mr. Bush, Department of Corrections

Mr. Bush, like the other candidates was asked why he was interested in being on this board. Works for the RI Dept. of Corrections would like to work with juveniles before they have a chance to make bad decisions. Is involved in youth soccer.

Councilor Costa returned to the Council Table.

Library Board of Trustees- Request by Maureen Morrow

Councilor Durfee motioned to appoint Maureen Morrow, 47 Peaceful Way, to the Library Board of Trustees for a three-year term to expire June 30,2012. Seconded by Councilor Lambert, motion passed unanimously.

Tree Warden

Councilor Leonard motioned to re-appoint, John D. Manchester, 2970 Main Road, Tree Warden for a one-year term expiring 1/31/2010. Seconded by Councilor Costa, motion passed unanimously.

Historic Preservation Advisory Board- Request by Susan Anderson, 64 Kenyon Road

Councilor Durfee motioned to appoint Susan Anderson, 64 Kenyon Road to the Historic Preservation Advisory Board for a three-year term expiring 6/30/2012. Seconded by Councilor Roderick, motion passed unanimously.

UNFINISHED BUSINESS

FINANCIAL BUSINESS:

Town Administrator – Request transfer of funds

From Account 101-550 (Recording Expenses) to Account #105-375 (Legal Zoning Issues) in the amount of \$10,000

Councilor Durfee motioned to transfer \$10,000.00 from Account #101-550 (Recording Expenses) to Account #105-375 (Legal Zoning Issues). Seconded by Councilor Costa motion passed unanimously.

From Account 214-100 (Personal Services-Treasurer) to Account 105-359 (Litigation) in the Amount of \$8,500

Councilor Durfee motioned to transfer \$8,500. 00 from Account # 214-100 (Personal Services-Treasurer) to Account #105-359 (Litigation). Seconded by Councilor Costa motion passed unanimously.

From Account 112-100 (Personal Services-T/Adm) to Account 105-359 (Litigation) in the Amount of \$25,000

Councilor Leonard motioned to transfer \$25,000.00 from Account # 112-100 (Personal Services-T/Adm) to Account #105-359 (Litigation). Seconded by Councilor Costa motion passed unanimously.

NEW BUSINESS:

Councilor Lambert –Reduction of Compensation for Town Council Members

Discussion suggested reduction by 15-20% of the \$2,400 stipend the Councilors receive. Is part of the Town Ordinance. Councilor Durfee, said should be part of overall budget discussion. Is a stipend for expenses like gas, seminar fees, etc. Anyone who runs for Council has a right to this stipend, once taken away cannot be restored.

Several Councilors felt each Councilor should decide for themselves, shouldn't restrict another Council. Councilor Costa suggested a letter to the Treasurer from the Councilors foregoing the stipend, supported Councilor Durfee; this stipend has been frozen for years. Councilor Roderick agreed with the gesture by Councilor Lambert but questioned the legality. Best to table. President Bollin asked Town Solicitor Teitz to look at the legality.

Councilor Roderick motioned to continue to the next meeting. Seconded by Councilor Lambert motion passed 6-1, Councilor Costa opposed.

Councilor Lambert – Proposals for Any State or Federal Stimulus Programs and Projects

Trying to renew and expand the discussion of the "wish list" of practical suggestions that might serve as shovel ready projects. Councilor Lambert wanted to set a deadline within the next couple of weeks, get suggestions to Town Administrator as soon as possible. Councilor Durfee thought the Council agreed, as part of their goals, the Wastewater Management Commission had three projects ready. Leroy Kendricks, Chairman of WWMC, stated the projects from the early 80's were designed for North Tiverton, would need to be updated, could be ready in 120 days.

Christopher Spencer, Town Planner, noted proposals for the Stone Bridge area, for work on the abutments. Councilor Durfee pointed to a grant outstanding for the Bulgarmarsh Recreation area. DPW Director Steve Berlucchi said any plans for drainage areas would have to be reviewed. Couldn't say they could be ready in 120 days. Some projects require up front costs, would take considerable effort, the sewer projects in the North End were feasible.

Councilor Leonard, closing a loop on item A3j, RIDOT recommends two projects-repairs to the Sakonnet River Bridge and repairs of Route 138 from Souza Road to the State Line will benefit the Town. Ideas should be forwarded to the Town Administrator.

3.Councilor Lambert – Discussion of Resolution to General Assembly Requesting Legislation

- a. Reduction in Compensation for All Members of General Assembly
- b. Elimination of Health Care Benefits for All Members of General Assembly, or Increase in Co-Pay for Health Care Benefits
- c. Freeze All Further Pay Raise Increases for State Employees
- d. Freeze on All Further Hiring of State Employees Until There is a 10% Reduction

Councilor Lambert discussed items 3a & b, thought the General Assembly could step up and help with the budget reductions. Councilor Durfee stated the compensation was provided in the Constitution of the State of Rhode Island; see Article 6, Section 3.

Councilor Lambert motioned to table until discussions with local legislators, seconded by Councilor Durfee motion passed unanimously.

BIDS & REQUESTS FOR PROPOSALS

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. Pick up of large metal items on January 17. Call DPW starting January 12 to make arrangements.
2. Recognized Lt. Mark Reimels, selected to represent local EMS providers relative to Homeland Security at a two-day conference in Arlington, Virginia. Paid for by homeland security and attended on his own time.
3. Chamber of Commerce submitted CEDS (Comprehensive Economic Development Strategy) application on behalf of the Town, to state wide planning for \$975,000 for improvements to the Industrial Park infrastructure. If approved the application will be forwarded to the USED. A second application was submitted to the Rhode Island EDA on the Town's behalf for \$150,000 for utility design, cost estimates and a master plan for the Industrial Park.

PUBLIC ANNOUNCEMENTS:

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

1.Funds for Attendance at Grow Smart RI: Making Good Land-Use Decisions

Teitz asked the Council to authorize the expenditure for the \$90.00 fee from the Council contingency account, if necessary, for non-Council members wishing to attend the three-session seminar on Making Good Land-Use Decisions at the Community Center. Councilor Leonard had previously attended and recommended the expenditure.

Councilor Durfee motioned to authorize up to \$900 for the non-Council members who do not have the money in their budget. Seconded by Councilor Arruda motion passed unanimously.

2.Decision of Attorney General Amarantes v. Tiverton Town Council

Discussed the decision of the Attorney General regarding the Open Meeting complaint filed by James Amarantes against the Tiverton Town Council. The Attorney General's Office did find a violation in the way it was advertised, should just have said discussion of Charter Amendments. No harm, no foul as this amendment did not pass. Going forward should formally add to agenda, if necessary.

3.Charter Resolution to General Assembly

Solicitor drafted a Resolution to local legislators and attached proposed legislation to enact the Charter Amendments.

RESOLUTION OF THE TOWN COUNCIL JANUARY 12,2009

Resolved: By the Town Council of the Town of Tiverton that the Rhode Island General Assembly is requested to enact enabling legislation regarding the amendments to the Town Charter, as adopted by the voters in the election of November 4,2008;

AND does hereby request that Senator Walter S. Felag, Jr., Senator Louis P. DiPalma, Representative Jay Edwards, and Representative John J. Loughlin, II take the action necessary to file and support the passage of said Act.

Councilor Costa motioned to approve the resolution to the General Assembly. Seconded by Councilor Leonard motion passed unanimously.

4.Public Update on Corvello v. NE Gas

Attorney Teitz reminded the Council they are still limited as to what they can say publicly, settlement discussions between the Town and Southern Union are sealed. Trying to keep the door open to negotiations, joined with the Plaintiff's Counsel, case has been assigned to another Judge. There is a status conference on January 22,09 at 9:00 a.m. in Courtroom 2, anticipate a public conference. Has communicated to Southern Union willingness to continue discussions.

CLOSED EXECUTIVE SESSION

1.Town Solicitor - Litigation – 42-46-5(a) (2)

A motion was made by Councilor Durfee to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. Seconded by Councilor Arruda motion passed unanimously.

2.Town Administrator — 42-46-5(a) (5) – Possible Acquisition or Disposition of Town Held Property

A motion was made by Councilor Durfee to continue in Executive Session pursuant to 42-46-5(a)(5)-Possible Acquisition or Disposition of Town Held Property. Seconded by Councilor Arruda motion passed unanimously.

3.Councilor Leonard /Town Administrator – 42-46-5(a)(2) – Collective Bargaining AFSCME, Teamsters, IAFF and IBPO

A motion was made by Councilor Durfee to remain in Executive Session pursuant to 42-46-5(a)(2)-Collective Bargaining AFSCME, Teamsters, IAFF and IBPO. Seconded by Councilor Arruda motion passed unanimously.

The Council entered into Executive Session at approximately 9:15 p.m.

The Council returned to Open Session at approximately 10:40 p.m.

OPEN SESSION:

Council President Bollin announced no action had been taken in the Executive Session. Councilor Roderick motioned to seal the minutes of the Executive Session, seconded by Councilor Costa. Motion passed unanimously.

Council agreed to hold workshop on Tuesday, January 20 for discussion of F/Y 09/10 budget.

ADJOURNMENT:

Councilor Leonard motioned to adjourn, seconded by Councilor Roderick. Council adjourned at approximately 10:45p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk